APPENDIX

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(COPY)

ILLINOIS BELL TELEPHONE COMPANY
225 West Randolph Street
Chicago, Illinois 60606

Law Department

Area Code 312

Telephone 727-9411

April 6, 1967

Mrs. Roberta B. Moye
Acting Secretary
Illinois Commerce Commission
State Office Building
Springfield, Illinois 62706

Dear Mrs. Moye:

Re: Thomas Kadlec

A copy of Mr. Booth's letter to you dated April 4 reached me late yesterday. At the outset, I should make clear that the regular listed business telephone service at each of the two business locations mentioned in his letter was never disconnected at any time but is still working.

Our representatives visited the Kankakee location on March 16, 1967, and found three serious and deliberate tariff violations. Residence service was being used exclusively for business purposes; several telephones not furnished by us were connected to our equipment, thereby obtaining service without the payment required by tariff; and the person in charge of the premises refused to permit our representatives to complete their inspection of our property as authorized by paragraph 5, Section 1, of the General Local Exchange Tariff. We told that person that the unlisted residence service would be disconnected, and it was subsequently on that day. When our representatives visited the Niles location on March 17, 1967, they found two serious and deliberate tariff violations—the first and third above mentioned. We told Mr. Kadlec that the unlisted residence service would be disconnected, and it was subsequently on that day.

In the Chicago metropolitan areas residence Call-Pak includes a large number of unit calls in the regular monthly rate, but there is no similar business rate. This results in a very substantial difference in rates for heavy multi-unit usage. Of course, there is nothing wrong with an occasional use of a residence line for business purposes, but when there is no significant residential use there is a serious tariff violation. No one has any right to obtain business service at residence rates under these circumstances for any period of time, whether for purposes of notice, litigation, or otherwise. Section 39 of the Act ex-

pressly forbids such discrimination, and Section 77 makes it a misdemeanor for the customer as well as the utility.[1]

Our records show that a large number of multi-unit calls were made to business locations over both of the Call-Pak lines which were disconnected. We are in the process of computing it, but we believe it will show that the subscriber was deliberately attempting to get service at less than half price.

Very truly yours,

Gordon W. Winks

GWW:MD
Copy to Mr. Harry R. Booth

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[1] IBT's contentions this case involves no important federal questions covers the shutting off of service without notice to the innocent bystanders Petitioner Grinstead (and his wife) Petitioners allegation (par. 12 IBT, App. A12) the Grinsteads require the service "for their health" was not academic. At this writing, they still lack telephone service notwithstanding IBT was informed of Mrs. Grinstead's recent hospitalization for gall bladder surgery and for arterioselerotic heart disease. The pleadings and IBT's attorney Winks letter leave no doubt IBT alone determines any obligations to comply with the constitutional safeguards relating to notice or hearing with respect to both discontinuance and search of customer's premises. There is no provision in IBT or Illinois Commission rules for prior notice or hearing or emergency of summary procedure preventing discontinuance of service or entry upon customer's premises. We think IBT agrees.